United Nations A/58/7/Add.12

General Assembly

Distr.: General
21 November 2003

Original: English

Fifty-eighth session
Agenda item 121
Proposed programme budget for the biennium 2004-2005

Administration and management of the Office of the United Nations High Commissioner for Human Rights

Thirteenth report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the administration and management of the Office of the United Nations High Commissioner for Human Rights (A/58/569). During its consideration of the item, the Committee met with the Acting High Commissioner and other representatives of the Secretary-General.

2. The report of the Secretary-General is submitted pursuant to General Assembly resolution 57/313 of 18 June 2003. In paragraph 2 of the resolution, the Assembly requested the Secretary-General to submit a report at its fifty-eighth session on measures pertaining to the administration and management of the Office of the United Nations High Commissioner for Human Rights (OHCHR), taking into account the report of the Office of Internal Oversight Services (OIOS) on the management review of OHCHR (A/57/488), as appropriate, and the report of the High Commissioner for Human Rights requested by the Secretary-General, as indicated in action 5 of his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1).

3. In its first report on the proposed programme budget for the biennium 2004-2005 (A/58/7, para. VI.1), the Advisory Committee recommended that the report of the Secretary-General to be submitted in response to General Assembly resolution 57/313 should contain a comprehensive analysis of the administrative and resource requirements necessary to implement the proposals contained therein. The Committee recommended that the report should pay particular attention to the overall management of the Office of the High Commissioner and should include an analysis of the role of the New York office and the related staffing requirements. The Committee further recommended that action on proposals for posts under section 24, Human rights, of the proposed programme budget for 2004-2005 be deferred, pending consideration of that report.

03-62781 (E) 211103

4. Annex I to the report of the Secretary-General (A/58/569) shows a summary of resources proposed for 2004-2005 relating to actions 2 to 5 described in the report of the Secretary-General, entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1). Annex II to the report presents the status of implementation of the recommendations contained in the management review of OHCHR carried out by OIOS (A/57/488).

5. The Advisory Committee recalls that the General Assembly, in its resolution 57/300 of 20 December 2002, requested the Commission on Human Rights to review and streamline the human rights special procedures in order to rationalize their work and enhance their effectiveness. The Committee agrees with the view of OIOS that the three branches "are rendered unwieldy through the ad hoc creation of teams and units in response to new programmatic mandates and operational concerns" (A/57/488, para. 28). Furthermore, the Committee notes from the report of OIOS that there had been 27 desk officers in addition to the staff members supporting the five treaty bodies and that there is a need to rationalize the use of desk officers and staff supporting the treaty bodies in a way that would optimize their performance (see A/57/488, para. 31).

6. The recommendations of the Advisory Committee on non-posts resources for the Office of the High Commissioner for Human Rights under section 24 of the proposed programme budget for 2004-2005 are contained in its first report in the proposed programme budget (A/58/7, paras. VI.3-VI.11). The Committee's recommendations on the proposed posts for OHCHR for 2004-2005 are shown below.

7. **One D-2, Chief of Staff, under executive direction and management (A/58/6 (Sect. 24), paras. 24.8 (a) (i) and 24.32).** The Advisory Committee was informed that the functions to be covered by this new position were recommended by OIOS, which had underlined the importance of establishing "a central responsibility centre to supervise all programme support functions of OHCHR, including the administrative and financial support, to prevent the diffusion of administrative and financial responsibility and to ensure the coherence of such support" (A/57/488, para. 36). The Committee observes that the functions described in the report of the Secretary-General (see A/58/569, annex II, recommendation 12) overlap with those of the Deputy High Commissioner and of the Director of the New York office of OHCHR.

8. The Acting High Commissioner provided clarification concerning the functions of the proposed post. The Advisory Committee points out that an official at the L-7 level (a level equivalent to D-2) has been selected and has been carrying out responsibilities since early July 2003. The new position was established as an L-7 post, funded from general temporary assistance, and was not submitted to the Committee for the review required by General Assembly resolution 35/217, section II, paragraph 2. **The Advisory Committee expresses concern about the action taken by the Secretariat to establish this L-7 position, which, in effect, prejudges the outcome of the consideration by the General Assembly of the question of the D-2 post.**

9. **The Advisory Committee recommends that consideration of the establishment of the D-2 post be postponed to give the new High Commissioner the opportunity to review the matter. In the meantime, subject to its observation in paragraph 8 above, the current funding arrangement of the L-7**

post should be maintained, pending the review of the staffing requirements of OHCHR by the new High Commissioner.

10. **One P-3, Partnership Unit, External Relations Branch (A/58/6 (Sect. 24), paras. 24.8 (a) (i) and 24.32).** There are currently seven Professional and two General Service (Other level) posts in the External Relations Branch. The Advisory Committee recalls that a P-3 post was granted for this activity in the context of the biennial budget for 2002-2003. In the Committee's opinion, the proposal for 2004-2005 should have been justified in terms of workload and lack of capacity available using current staff and non-staff resources. **The Advisory Committee recommends that the functions described in paragraph 24.8 (a) (i) for a new P-3 post in the External Relations Branch be covered through redeployment of an existing post in the Office, including those financed from extrabudgetary resources.**

11. **One P-4, research and analysis, right to development (A/58/6 (Sect. 24), paras. 24.8 (a) (ii) and 24.39).** The Advisory Committee was informed that for the biennium 2002-2003 a post was redeployed from the Research and Right to Development Branch to the new Special Procedures Branch in accordance with the priorities of the Office. The Committee recalls that, for 2002-2003, a P-3 post was approved for the right to development function. **In the light of the additional information provided on the requirements for strengthening the interdisciplinary legal and socio-economic research and policy analysis capability of OHCHR in the area of right to development, the Advisory Committee agrees with the establishment of a new P-4 post in this field.**

12. **One P-5, Petition Unit; and one P-4, Treaty Implementation Unit, Support Service Branch (A/58/6 (Sect. 24), paras. 24.8 (a) (iii) and 24.44).** With the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003, the Advisory Committee notes that there will now be six treaty bodies instead of five. The Committee acknowledges the importance and need for these functions in view of the increase in the number of treaty bodies. The Advisory Committee notes with concern the apparent lack of enthusiasm either from the Commission on Human Rights itself or the leadership of the treaty bodies and their machineries to address the several concerns raised by the Committee (see A/56/7, paras. VI.6 to VI.9). Unless these problems are actively engaged, the Committee believes that the mere addition of more posts and non-posts resources would produce no measurable effect.

13. The Advisory Committee was provided with additional information on the workload of the Petition Unit regarding the increase in the number of individual complaints received and anticipated. **The Advisory Committee recommends the establishment of one new P-5 post in the Petitions Unit, on a temporary basis, to deal with the backlog in the Unit. Furthermore, taking into account the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003, the Committee recommends approval of one new P-4 post for the Treaty Implementation Unit.**

14. **One D-1, head of Special Procedures Branch; one P-5, head of geographic desk team; and one P-4, to strengthen the thematic teams (A/58/6 (Sect. 24), paras. 24.8 (a) (iv) and 24.54-24.55).** The Advisory Committee was informed that the Special Procedures Branch has recently been established and that the request for

the new posts for the Branch was accorded a high priority by the Office. The Branch currently has 21 Professionals and four General Service posts, including one Professional redeployed from executive direction and management and three other from the Research and Right to Development Branch, the Support Services Branch and the Activities and Programme Branch. The Committee is of the view that the improvement in the effectiveness and management of OHCHR does not automatically call for an increase in the number of posts (see A/58/7, paras. 80-83). **The Advisory Committee recommends against the establishment of a D-1 post to head the Special Procedures Branch at this time. The Committee agrees with the establishment of two additional posts (P-5 and P-4) to strengthen the capacity of the Branch, in particular for management support provided to geographical teams at the country level.**

15. **The Advisory Committee recommends acceptance of the proposal to convert three positions (1 P-5, 1 P-4 and 1 P-3) from general temporary assistance to established posts, to provide for the integration of the subregional Centre for Human Rights and Democracy in Central Africa into the regular budget, and two P-3 positions to established posts in the Activities and Programmes Branch (A/58/6 (Sect. 24), paras. 24.8 (b) and 24.53).**